



**Legislative Bulletin.....September 9, 2011**

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**H.R. 1892** - Intelligence Authorization Act for Fiscal Year 2012

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**H.R. 1892 - Intelligence Authorization Act for Fiscal Year 2012 (Rogers, R-MI)**

**Order of Business:** The legislation is scheduled to be considered on Friday, September 9, 2011, under a structured rule. The rule, [H.Res. 392](#), provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The rule, waives all points of order against consideration of H.R. 1892. The rule makes in order only those amendments summarized below, and it provides one motion to recommit H.R. 1892 with or without instructions.

The rule also provides that a motion to proceed with regard to a joint resolution of disapproval specified in subsection (a)(1) of section 3101A of title 31, United States Code shall be in order only if offered by the Majority Leader or his designee; and may be offered even following the sixth day specified in subsection (c)(3) of such section but not later than the legislative day of September 14, 2011.

**Summary: NOTE** - H.R. 1892 is divided into a classified and an unclassified portion. This legislative bulletin analyzes the unclassified portion of H.R. 1892 that is available on LIS.

The classified Schedule of Authorizations and the classified Annex accompanying the bill are be available for review by Members at the Permanent Select Committee on Intelligence. Members should keep in mind the requirements of Clause 13 of Rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath provided for in the rule.

**Title I: Authorization of Appropriations**

**Section 101.** This section authorizes appropriations for the following departments for intelligence purposes for FY 2012:

1. The Office of the Director of National Intelligence;
2. The Central Intelligence Agency;
3. The Department of Defense;
4. The Defense Intelligence Agency;
5. The National Security Agency;
6. The Department of the Army, Department of the Navy, and the Department of the Air Force;

7. The Coast Guard;
8. The Department of State;
9. The Department of the Treasury;
10. The Department of Energy;
11. The Department of Justice;
12. The Federal Bureau of Investigation;
13. The Drug Enforcement Administration;
14. The National Reconnaissance Office;
15. The National Geospatial-Intelligence Agency; and
16. The Department of Homeland Security.

**Intelligence Community Management Account:** Section 103 authorizes \$590,339,000 for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2012. This includes some amounts for classified sections dealing with advanced research and development. These authorizations will remain available until September 30, 2013. This section also authorizes 794 full-time personnel under the Director of National Intelligence.

## **Title II. Central Intelligence Agency Retirement and Disability System**

**Section 201. Authorization of Appropriations:** This section authorizes \$514,000,000 for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2012.

## **Title III. General Provisions**

**Section 301. Increase in Employee Compensation and Benefits Authorized by Law:** This section allows for salary, pay, retirement and other benefits to be increased as necessary as authorized by law.

**Section 302. Restriction on Conduct of Intelligence Activities:** This section clarifies that the legislation only authorizes such conduct that is authorized by the Constitution or the laws of the United State.

**Section 303. Annual Report on Hiring on National Security Education Program Participants:** In addition to existing reporting requirements, within 90 days after the end of each fiscal year, the head of each agency in the intelligence community will be required to submit, to Congress, a report detailing the number of personnel during that year that were at any time a recipient of a grant or scholarship under the David L. Boren National Security Education Act of 1991.

## **Title IV. Matters Relating to Elements of the Intelligence Community**

**Section 401. Burial Allowance:** This section allows the Director of the Central Intelligence Agency (CIA) to pay the burial expenses of CIA employees who die outside of the United States whose death:

- “resulted from hostile or terrorist activities; or
- “occurred in connection with an intelligence activity having a substantial element of risk.”

This burial allowance is allowed to include recovery, mortuary, funeral or memorial service, cremation, burial costs, and transportation costs of the deceased. This allowance may not exceed \$15,000 and this is in addition to any other benefits that may be due under current law. The CIA director may increase the burial allowance to reflect increases in the Consumer Price Index.

**Section 402. Solicitation of Gifts:** This section amends current law and allows the CIA Director to solicit and accept gifts on behalf of survivors of deceased CIA employees who were killed while fulfilling their official duties.

**Section 403. Acceptance of Gifts, Devises, and Bequests:** This section allows certain CIA employees to accept gifts from sources other than foreign governments, or agents of foreign governments. Covered employees include CIA employees who suffered an injury or illness that resulted from hostile or terrorist activities.

**Section 404. Creating an Official Record of the Osama Bin Laden Operation:** This section expresses that it is the sense of Congress that:

- “The raid that killed Osama bin Laden demonstrated the best of the intelligence communities capabilities and teamwork;
- “For years to come, Americans will look back at this event as a defining point in the history of the United States;
- “It is vitally important that the United States memorialize all the events that led to the raid so that future generations will have an official record of the events that transpired before, during, and as a result of the operation; and
- “Preserving this history now will allow the United States to have an accurate account of the events while those that participated in the events are still serving in the Government.”

Within one year after enactment, the Director of the CIA is required to submit a classified report, to Congress, that memorializes such operation including a description of the events leading up to the discovery of the location of Osama bin Laden, the planning and execution of the raid, and the results of the intelligence gained from the raid.

**Section 412. Report and Strategic Plan on Drug Trafficking Organization and Impact on Public Lands:** Within one year after enactment, the Director of National Intelligence shall submit a report, to Congress, on:

- “The intelligence collection efforts of the United States that assess the threat from covered entities that are currently or have previously used public lands in the United States to further their operations; and
- “Efforts to protect public lands of the United States from illegal drug grows.”

**Section 413. Report on Training Standards of Defense Intelligence Workforce:** Within 180 days after the date of enactment, the Director of National Intelligence and the Under Secretary of Defense for Intelligence shall submit, to Congress, a report on the training standards of the defense intelligence workforce. The report will include:

- “A description of existing training, education, and professional development standards applied to personnel of defense intelligence components; and
- “An assessment of the ability to implement a certification program for personnel of the defense intelligence components based on achievement of required training, education, and professional development standards.”

## **Title V. Other Matters**

**Section 501. Report on Airspace Restrictions for Use of Unmanned Aerial Vehicles Along the border of the United States and Mexico:** Within 90 days after the date of enactment, the Secretary of Homeland Security shall submit, to Congress, a report on whether restrictions on the use of airspace are hampering the use of unmanned aerial vehicles by the Department of Homeland Security along the border between the United States and Mexico.

**Additional Information:** On May 13, 2011, the House passed H.R. 754 (now P.L. 112-18) on May 13, 2011, by a [roll call vote of 392-15](#). This legislation authorized appropriations for the remainder of FY 2011, and was the first complete intelligence authorization bill since 2004.

**Committee Action:** H.R. 1892 was introduced on May 13, 2011, and referred to the House Permanent Select Committee on Intelligence. A markup was held on May 26, 2011 and the legislation was favorably reported, as amended.

**Administration Position:** No Statement of Administration Policy (SAP) is provided.

**Cost to Taxpayers:** Since CBO does not provide estimates for classified programs, this estimate addresses only the unclassified portions of the bill. In addition, CBO cannot provide estimates for certain provisions in the unclassified portion of the bill because they concern classified intelligence programs.

On that limited basis, and assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1892 would cost \$585 million over the 2012-2016 period CBO's report is [linked here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** CBO estimates that implementing H.R. 1892 would cost \$585 million over the 2012-2016 period.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** [House Report 112-197](#) states that the bill as reported contains no private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** [House Report 112-197](#) states that the bill as reported contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** Rep. Rogers' statement of constitutional authority for H.R. 1892 states that Congress has the power to enact this legislation pursuant to the following:

“The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that “Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States”; “. . . to raise and support armies . . .”; “To provide and maintain a Navy”; “To make Rules for the Government and Regulation of the land and naval Forces”; and “To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof.”

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